IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 11458 of 2007

Date of decision: 11.9.2007

Jasbir Singh ... Petitioner

Versus

Punjab State Electricity Board and another ... Respondents

...

Present: Mr. G. C. Gupta,Advocate
for the petitioner.

Mr. Suvir Sehgal, Addl. AG Punjab

...

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE AJAI LAMBA

...

ADARSH KUMAR GOEL, J

This petition seeks quashing of order dated 23.4.2007, Annexure P-2 transferring the petitioner from Pathankot to Bathinda.

The contention raised on behalf of the petitioner was that he was to retire on 30.4.2008 and as per Policy, Annexure P-1, employees who are due to retire in next 2 years, shall be allowed to continue in the same District.

In the reply, stand taken is that the Policy of State of Punjab was not applicable to the Electricity Board which had its own policy. On account of certain complaints, the petitioner was transferred on administrative grounds.

We have heard learned counsel for the parties.

In **State of U.P**. v. **Gobardhan Lal**, AIR 2004 Supreme Court 2165, it was observed as under :-

> " It is too late in the day for any Government servant to contend that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires. Transfer of an employee is not only an incident inherent in the terms of

appointment but also implicit as an essential condition of service in the absence of any specific indication to the contra in the law governing or conditions of service. Unless the order of transfer is shown tobe an outcome of a mala fide exercise of power of violative of any statutory provision (an Act or Rule) or passed by an authority not competent to do so, an order of transfer cannot lightly be interfered with as a matter of course of routine for any or every type of grievance sought to be made. Even administrative guidelines for regulating transfers or containing transfer policies at best may afford an opportunity to the officer or servant concerned to approach their higher authorities for redress but cannot have the consequence of depriving or denying the competent authority to transfer a particular officer/servant to any place in public interest and as is found necessitated by exigencies of service as long as the official status is not affected adversely and there is no infraction of any career prospects such as seniority, scale of pay and secured emoluments. This Court has often reiterated that the order of transfer made even in transgression of administrative guidelines cannot also be interfered with, as they do not confer any legally enforceable rights, unless, as noticed supra, shown to be vitiated by mala fides or is made in violation of any statutory provision. "

We do not find any ground to interfere with the impugned order of transfer. The writ petition is dismissed.

(Adarsh Kumar Goel)
Judge

(Ajai Lamba)
Judge

11.9.2007
RS